

United States Department of the Interior

NATIONAL PARK SERVICE 1849 C Street, N.W. Washington, D.C. 20240

IN REPLY REFER TO

H4215(2255)

DEC 1 7 2008

Re:

Vitagraph Film Exchange Building, 1703 Wyandotte, Kansas City, MO

Project Number: 22128

Dear '

My review of your appeal of the decision of Technical Preservation Services, National Park Service, denying certification of the rehabilitation of the property cited above is concluded. The appeal was initiated and conducted in accordance with Department of the Interior regulations (36 CFR Part 67) governing certifications for Federal income tax incentives for historic preservation as specified in the Internal Revenue Code. I would like to thank you and your colleagues

or meeting with me in Washington on November 6, 2008, and for providing a detailed account of the project.

After careful review of the complete record for this project, I have determined that the rehabilitation of Vitagraph Film Exchange Building is not consistent with the historic character of the property and the historic district in which it is located, and that the project does not meet Standards 2, 5, and 9 of the Secretary of the Interior's Standards for Rehabilitation. Therefore, the denial issued on October 14, 2008, by Technical Preservation Services is hereby affirmed. However, I have further determined that the project could be brought into conformance with the Standards, and thereby be certified, if the corrective measures described below are undertaken.

The Vitagraph Film Exchange Building was built in 1930 and was listed individually in the National Register of Historic Places on February 28, 2008. Technical Preservation Services staff performed a preliminary review of a rooftop addition in August of 2007, and determined that the proposed two-story rooftop addition had too strong a presence and its visibility must be reduced. Updated renderings of the proposed rooftop addition were submitted and reviewed in October 2007. A Part 2, Description of Rehabilitation, was received on July 18, 2008. Through a subsequent site visit and additional documentation depicting the visibility of the proposed addition, staff determined that due to actual site conditions the size of the proposed rooftop addition would not meet the Standards. The Part 2 was denied certification by TPS on October 14, 2008, owing to the proposed rooftop addition.

TPS stated that the impact of the new addition would substantially alter the historic character of the property and therefore the project did not meet Standard 2 which states, "The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided." I agree with TPS that the proposed addition is too large for the scale and massing of the building and causes the project to contravene Standard 2. The addition draws undue prominence to a new element and changes the character of the historic building. I

also agree that the proposed addition would cause the project to contravene Standard 9, which states, "New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment." Though not cited in the denial letter, I believe that the ventilation shafts for the nitrate film vaults are a distinctive feature on the roof of this unique building type and that their proposed removal does not meet Standard 2, stated above and Standard 5 which states, "Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved."

Conceptually, a rooftop addition is acceptable, but its design is critical to making it compatible with the historic building and, secondarily, with the historic district. I have determined that the current proposal for a two-story rooftop addition is incompatible with the scale and massing of the historic building primarily due to its height, which will severely damage the historic character and defining characteristics of the building. A significant reduction in height of the proposed rooftop addition, such as making it one story instead of two, is necessary to make the design acceptable. The addition may be minimally visible but it must be compatible with the historic building. Any new proposal must be submitted for review and approval that meets the conditions stated above. Additionally, you may want to consider taking advantage of the new parking garage planned for the south side of the Vitagraph Building and locate some of the additional square footage within this structure.

This decision pertains only to the matter reviewed in the denial letter, specifically the rooftop addition. I note that the Part 2 was never approved and that if you choose to proceed with the corrective measures described above, you must submit revised plans and updates through the Missouri State Historic Preservation Office to Technical Preservation Services, National Park Service for review and approval. Please be aware that the NPS may set forth additional conditions governing aspects of the project not reviewed here. Note that this project will not become a "certified rehabilitation" eligible for the tax incentives until it is completed and so designated.

As Department of the Interior regulations state, my decision is the final administrative decision regarding rehabilitation certification. A copy of this decision will be provided to the Internal Revenue Service. Questions concerning specific tax consequences of this decision or interpretations of the Internal Revenue Code should be addressed to the appropriate office of the Internal Revenue Service.

Sincerely,

John A. Burns, FAIA Chief Appeals Officer

Cultural Resources

cc:

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IRS